

UNITED BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

RE:)
) Case No: 16-10643 C13
BRENDA HUGHES)
)
Debtors)

AMENDED
OBJECTION TO RELIEF FROM STAY

COMES NOW, BRENDA HUGHES, the Debtor herein, by and through counsel of record, and hereby objects to the Motion for Relief of Automatic Stay

1. On June 24th, 2016 the above named debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy code, Anita Jo Kinlaw Troxler is the duly appointed and qualified Chapter 13 Trustee.
2. The real property from which relief from stay is sought is located at 4779 Salem Church Rd, Denton NC 27239, and the debtor resides at the address in a mobile home.
3. This plan was confirmed without Objection by MTGLQ Investors on September 21, 2016 and the plan provided for an estimated 10 percent dividend to all unsecured creditors.
4. The debtor's Schedule "A" listed a mobile home located at 4779 Salem Church Road in which the debtor resides at and the debtor's Schedule "F" listed MTGLQ investors as an unsecured creditor.
5. That MTGLQ subsequently filed a secured claim in the present case and an Order was entered on December 5, 2016 finding MTGLQ Investors is disallowed as a secured claim after Hearing.
6. That MTGLQ subsequently filed an unsecured claim on December 7, 2016 in the amount of \$56032.46. and in their Motion for Relief from stay reference an outstanding balance of the obligation as \$44,673.86 as of November 30, 2016 with an estimated market value of the Real Property as \$72,119.00.
7. That MTGLQ seeks to lift the co-debtor stay to proceed with a reformation action in State Court seeking to reform a Deed and/ or Deed of Trust executed fifteen years ago. Granting of the Relief from Stay would cause extreme hardship on the debtor and prejudice to the bankruptcy estate in that the debtor would be forced to defend a State Court action and potentially be required to move her mobile home.

8. That MTGLQ would not suffer irreparable harm by denying relief from stay but only a delay in payment if any of a potential claim in State Court against a co-debtor that was possibly created in 2002 which may be time barred.
9. That MTGLQ interest's are adequately protected as evidenced by the value of the real property which as set out in the Motion for Relief from Stay is \$72,119.00 versus the amount of the claim as filed in that it appears there is significant equity in the real property where the debtor resides.

WHEREFORE, the debtor prays that this Court issue an Order as follows:

1. the Motion for Relief of Automatic Stay be denied.;
2. for such other and further relief as to the Court may seem just and proper.

This the 20th day of April, 2017.

/s/ Ronald A. Anderson
Ronald A. Anderson, Bar No. 24920
Attorney for Debtor
Post Office Box 14639
Archdale, NC 27263
Phone: (336) 431-7336

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CERTIFICATE OF SERVICE

I, Ronald A Anderson, attorney hereby certifies that I have this date served the foregoing Amended **Objection to Relief of Automatic Stay**, by depositing a copy thereof in the United States Mail, Postage paid properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Chapter 13 Office (electronic)
Anita Jo Kinlaw Troxler
P.O. Box 1720
Greensboro NC 27402

Bankruptcy Administrator (electronic)
William Miller
101 South Edgeworth Street
Greensboro NC 27401

Law Offices of Rick D Lail
Rick D Lail
PO Box 30081
Charlotte NC 28230

This the 20th day of April, 2017.

/s/ Ronald A. Anderson
Ronald A. Anderson, Bar No. 24920
Attorney for Debtor
Post Office Box 14639
Archdale, NC 27263
Phone: (336)431-7336